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THESE MINUTES HAVE NOT BEEN APPROVED BY THE BOARD

VILLAGE OF SAG HARBOR ZONING BOARD OF APPEALS

FEBRUARY 21, 2006

6:30 PM

PRESENT:

CHAIRMAN - MICHAEL BROMBERG  
MEMBER - KATHY RADZIEWICZ  
MEMBER - BENEDETTA DEUBEL  
MEMBER - ANTHONY HAGEN  
VILLAGE ATTORNEY - LISA KOMBRINK  
ACTING SECRETARY - BRENDA PLOEGER

ABSENT:

DENISE SCHOEN

Chairman Bromberg announced that the attorney for David Liebowitz requested that Mr. Liebowitz's application be addressed at the March 21st meeting. He also announced that Paris Fields's application would also be addressed at the March 21st meeting.

SECTION I - DECISIONS

ZBA - 2/21/06

1. Frank Caniglia, Main Street & Division St., SCTM#903-2-3-18,302-2-2-5 - Applicant requests relief from Village Code Section 55-11.6C(off-street parking, residential uses) to waive the requirement of one parking space for an accessory apartment in the VS District.

A motion was made by Anton Hagen, seconded by Kathy Radizewicz, to approve the determination(copy attached) of Frank Caniglia. Property located on Main Street, SCTM#903-2-3-18 & 302-2-2-5. All were in Favor. Motion so carried,

ZBA - 2/21/06

2. Joshua Liberson, 76 Hempstead St., SCTM# 302-6-2-7.1 - Applicant seeks relief from Village Code Section 55-4.5B(1)(portion of lot area covered by area of all buildings) from 20% to 32.5%(existing lot coverage of 31.9%), to construct a first floor addition and Section 55-4.5I(pyramid) in the amount of 255 cubic feet.

Anton Hagen made a motion, seconded by Kathy Radizewicz, to approve the determination(copy attached) of Joshua

Liberson. Property located 76 Hempstead St., SCTM#302-6-2-71. All were in favor. Motion so carried.

ZBA - 2/21/06

3. Brian & Sarah Halweil, 132 Glover St., SCTM#903-2-1-34.1 - Applicant seeks relief from Village code Section 55-4.5I(pyramid) in the amount of 4,410 cubic feet;Section 55-4.5E(1)(minimum yard depth at principal building, front yard) from 35' to 9' to construct front steps, since applicant is required to raise the dwelling to comply with FEMA regulations.

A motion was made by Kathy Radizewicz, seconded by Benedetta Deubel, to approve the determination(copy attached) of Brian & Sarah Halweil. Property located at 132 Glover St., SCTM#903-2-1-34.1. All were in favor. Motion so carried.

ZBA - 2/21/06

4. Michael & Christine Namer, 10 Somers Pl., SCTM#903-6-1-43.3 - Applicant seeks relief from Village Code Section 55-4.5E(1) (minimum yard depth at principal building, front yard), from required 35' to 32.3', to legalize an existing porch.

Motion made by Kathy Radizewicz, seconded by Anton Hagen, to approve the determination(copy attached) of Michael & Christine Namer. Property located at 10 Somers Pl, SCTM#903-6-1-43.3. All were in favor. Motion so carried.

ZBA - 2/21/06

5. Ann Hotung, 9 Suffolk St., SCTM#903-3-56 - Applicant requests relief from Village Code Section 55-4.5B(1) and (2) (maximum lot coverage by principal and accessory buildings and structures) from the permitted lot coverage for all buildings from 20% to 26.2%, where existing coverage is 23.8%; and from the permitted 25% lot coverage for all buildings and structures to 34.2%, where existing coverage is 31.2%, to construct an artist studio.

A motion was made by Benedetta Deubel, seconded by Anton Hagen, to approve the determination(copy attached) of Ann Hotung. Property located at 9 Suffolk St. SCTM#903-3-3-56. All were in favor. Motion so carried.

ZBA - 2/21/06

6. Craig & Ellen Rhodes, 15 Howard St., SCTM#903-3-1-105 - Applicant seeks relief from Village Code Section 55.4.5B(1)(maximum lot coverage by principal and accessory buildings) from the permitted lot coverage for all buildings from 20% to 22.2%, (existing lot coverage of 20.7%), and Section 55-4.5I(pyramid) in the amount of 1378 cubic feet, to construct an addition to a dwelling.

Anton Hagen made a motion, seconded by Kathy Radziewicz, to approve the determination(copy attached) of Craig & Ellen Rhodes. Property located at 15 Howard St., SCTM#903-3-1-105. All were in favor. Motion so carried.

## SECTION II - OLD BUSINESS

zba - 2/21/06

1. Vashi White, Vickers St. & Downer Pl., SCTM#302-6-8-20 & 21 - Applicant seeks relief from Village Code Section 55-4.5A(1) (minimum lot area, one family detached dwelling), to unmerge two merged lots and create parcels of 11,250 sq. ft. each, where 20,000 sq. ft. is required; and Section 55-4.5C(minimum lot width) for a lot line modification if the two parcels are unmerged from the required 100' to 75' for each parcel.

### **Dennis Downes**

**Attorney:** At the last meeting, when there was a substitute counsel, I handed out a case law. I don't know if Lisa had an opportunity to review it. I would like to add one addition item into the record. I did present to you a color coded tax map for all the lots within the 50 foot range. In addition to that, the important thing to note is that this also lies between Hampton Street, Harrison Street and Eastville Avenue. In that area you have 21 lots. Only 3 lots conform of the zoning code of 20,000 square feet. In the area between Harrison, Robeson & Carver, there are 41 lots and 10 of the lots conform. As I said earlier, there is a mix of small lots and every few conforming lots. With an exception of 2 subdivisions that were done subsequent to the adoption the 1984 code. The one on James Place and the 11963 subdivision. You can see for yourself that there is a consparity of lots through out that whole area. Most of which are non-conforming. I have nothing to add unless the board has some questions about the material that came in last month.

**Nathan Brown:** My name is Nathan Brown. Chatfield's Hill Property Owners Association(CHPOA) was established at a meeting of Chatfield's Hill Property Owners on September 17, 1971 at the home of Robert Alleyne on Robeson Boulevard.

Like the Village of Sag Harbor itself, CHPOA has been concerned about over development of the area. When zoning laws were adopted by the Board of Trustees of the Village of Sag Harbor on 11-16-1971 and amended in its entirety 9-5-1984, CHPOA was in agreement with the intent of the law. The essence of the law was and is to weed out non-conformities.

The village zoning laws were based upon guidelines in the Local Waterfront Revitalization Program(LWRP) and were reviewed and approved by New York State Environmental Quality Review Act(SEQRA).

In addition, the Suffolk County Health Department recommends that a house using a subsurface

sewage disposal system(cesspool) have at least 20,000 sq. ft. parcel area, which is also what the zoning presently

The area including the two adjoining properties on either side of the White's property plus the White's property measures approximately 1.02 acres or 44,431 sq. ft. That area already has three cesspools. Two additional cesspools, one per house within the same space would appear to be a health hazard. Instead of one cesspool per 20,000 sq. ft. we would have 5 cesspools in an area measuring 44,431 sq. ft. if the Zoning Board approves the requested variance. By undoing the merger of the property, the village is creating substandard parcels.

This request poses a challenge to the zoning laws, a challenge that would have direct impact and potentially derivative affect on future development. By approving the request of a variance by Mrs. Vashti White to separate two non-conforming properties, without demonstrative extenuating circumstances of hardship, jeopardizes both the letter and the intent of the law. The request for this variance is not based upon anything other than convenience and profit motive, neither of which is valid reason to grant approval of the variance.

While we welcome new homes and neighbors, we do so with an eye toward maintaining the essence of the character of Sag Harbor. We feel that a one-family residence is appropriate to the scale of the property and the neighborhood, and strongly urge the Sag Harbor Zoning Board of Appeals to do its part to uphold both the letter and intent of the law and set the right precedent for the future development of our community.

Mr. Brown handed the board signed petitions from Chatfield's Hill Property Owners Association. They are in the Zoning Board file.

**Dennis Downes**

**Attorney:** First, a side from the fact that this board has no jurisdiction when it comes to the Health Department. One of the exhibits I gave you was the 1981 tax map. The reason I gave it to you is that is the map the Heath Department recognizes. Those lots existed on that map as single and separate lots, therefore they are exempt from the 20,000 sq. ft. requirement that we have today. Second, under SEQRA, this is a Type II action. It is an area variance. There is no environmental review what so ever.

These lots do not lay in the Chatfield Hills Subdivision. We are not creating new lots. These lots exist. The fact that someone passed away, they would have been built on. My suggestion was to unmerge them after the death and to split them into two 75' lots into a better subdivision.

Lisa, have you had an opportunity to review those cases?

Lisa Kombrink stated that she had not had an opportunity, but she would take a look at them.

Anton Hagen made a motion to close the public hearing. Motion seconded by Kathy Radziewicz. Ms. Kombrink explained to the board that the hearing should remain open if the board was still going to discuss this application.

Anton Hagen made a motion to reopen the hearing, seconded by Kathy Radziewicz. All in favor. Motion so carried.

A motion was made by Anton Hagen, seconded by Kathy Radziewicz to adjourn this application to the March 21st meeting. All in favor, motion so carried.

2 David Liebowitz, 68 Rysam Street, SCTM#302-2-6-2 - Applicant seeks relief from Village Code Section 55-4.5A(1) (minimum lot area (1) one-family detached dwelling) from 20,000 sq. ft. to 8,356 sq. ft. for lot 1; Section 55-4.5C(minimum lot width) from 100' to 96.5'; Section 55-4.5E(3)(minimum yard depth at principal building, rear yard) from 30' to 25.7' on lot 1; Section 55-4.5E(1)(minimum yard depth at principal building, front yard) from 35' to 14.5' on Love Lane and 24' on Rysam Street, all in connection with the proposed subdivision of one lot into two.

The application will be on the March 21st agenda per the attorney's request.

### SECTION III - NEW BUSINESS

1. Paris Fields, SCTM#903-2-3-4, 27 Washington St. - Pursuant to Village Code Section 55-14.4A, application appeals the refusal of the Building Inspector dated March 22, 2005 to issue a Certificate of Occupancy for the subject premises.

This application will be noticed for the March 21st meeting.

2. Michael Maidan, SCTM#903-2-1-18.2, 21 West Water Street - Pursuant to Village Code Section 55-14.6B(3)(a), Applicant requests approval for the grant of Certificate of Occupancy for a change in a non-conforming use, to demolish a pre-existing non-conforming bar/restaurant and construct an apartment building, also a non-conforming use.

Mr. Downes handed out new surveys which were requested in Rich Warrens'(consultant) report.

#### **Dennis Downes**

**Attorney:** One shows the existing building super imposed over the proposed. This parcel is bounded by 3 streets. West Water Street, Garden Street and Long Island Ave. The westerly border is the Barons Cove Inn Motel. It has 183 feet on West Water Street; 102 feet on Garden Street and 271 feet on Long Island Avenue. The lot area is 41, 856 Square feet and our common boundary with Barons Cove Inn is 296 feet. The zone classification for the property is RM- Resort Motel. The applicant is proposing to demolish the existing building and to construct a new building on the site to house 20 apartment units. I modeled the project after the Apartment Building Code in the VB zone because that is the only place we have apartments in the zone. The new use would eliminate all the non-conforming uses on that site. The only use right now on that site that is conforming is the restaurant.

The proposed use is styled after the VB zone is also non-conforming. As a result we are using Section 55-14 .6B3. This board has the authority to change one non-conforming use to another. The board will need to make a finding that the proposed use is more beneficial and you have a right to impose what ever reasonable conditions you deem necessary.

If you compare resort motel to what we are proposing you will see that everything we are proposing is either permitted under that section or what is better than what is permitted. For example in the resort motel zone you are allowed 35 motel units, we are proposing 20 units. In the VB zone you are allowed 1 apartment for every 1250 sq. ft of lot area. This lot would yield 33 apartments if you use that. And also the parking requirements for each unit is one. Whether it is a motel or an apartment, we are providing 30 spaces. 5% have to be handicapped , there are 6 spaces in proposed garages, which is permitted under 55-7.4C of the code and then there are 22 standard spaces for a total of 30. With respect to lot coverage, in the RM zone you are allowed 50%. The existing structures occupy 37.4%. When you add in the paved parking area that is 85% is covered with impervious material. The proposed structure will occupy 46.2% and when you add in the paving , it would get us up to 66%. We are 19% of what is there now of impervious material.

When you look at the VB section, as far as lot coverage you are allowed 70% and we are going to be 46.2%. In the VB you are allowed 3 stories, 35' and in the RM you are allowed 2 and 1/2 stories 35', we are proposing 2 and 1/2 stories 35'. In the VB zone front yard setbacks are 0, the sideyard is 5 under the new code. The existing front yard on the building right now is 12. Our setbacks are going to be anywhere from 24.9 to 60' from West Water Street.

The project has been designed around the VB code because that is the one that has apartment buildings has a permitted use. If you use those setbacks there is no issue. If you use the setbacks in the RM zone then you have to fall back on what is pre-existing and what is not pre-existing.

**Mike Bromberg**      The zone that it sits in is a physical entity on a map.  
**Chairman:**

**Dennis Downes**

**Attorney:**      Correct. But you are going from one non-conforming use to another non-conforming use. This board has the authority to impose what ever it chooses to be. You can pick and choose. This sections of the code is modeled after the Town of Southampton 's code. This nothing that Sag harbor Village dreamed up on its own. The Zoning Board of Appeals has the right to change from one non-conforming use to another.

When you look at the VB code you will see that apartment is a special exception use. There are certain standards that you have to establish. The first one is that you look to the legislative findings in 55-1.2 - and it says will not interfere with the preservation marine resources. This

doesn't apply in this particular case.

The second section of that says that we are essential a tourist area and a second home area. How to support that? My comments would be that this supplements the second home ownership. This just gives another form of life style. This supports the second home industry that is vital to this community . 55-1.2 B3.

Another section that you are protecting established character and social and economic stability of the village. In this particular case we are removing a non-conforming use that as been a serious attraction to the village. The village has spent thousands of dollars in litigation. There have been numerous complaints of the noise.

Another issue is whether the plot area is sufficient to sustain 20 units and parking. The answer to that is yes. There is one for every 1250 sq. ft. We could go as high as 33 units on this site and we are doing less than that.

Another section is that proposed use will not prevent the use of adjacent sites. I would think that Barons Cove Inn would be happy to see a different use on that site than the current use.

Another section is that this proposed use is particularly suited to this site. Another criteria is that we are not near a church, school, theater, recreation area or place of public assembly. With the exceptions of boats that dock along West Water Street there are no recreation area in the immediate neighborhood.

Then it says that a proposed use conforms to a special exception use as defined in the code. The special exception use as defined in the code is apartment building and we conform to that. There is another section that there is specific criteria for apartment buildings. One is that it has to be one for every 1250 sq. ft. which we meet and the other is that there are certain sections of the village business zone where you are not committed to have parking. That is basically Main Street, Washington Street and Church Street. We meet all the general and special criteria that is in the special exception code.

The Harbor Committee did find that this is consistent with the LWRP.

I believe that the use that we are proposing is more beneficial to the community than the existing non-conforming use.

One of the requests that I am going to have is that rather than this board micomange the development of the site that if you determine that this use is more beneficial that you simply issue an approval of the use and leave it to the Planning Board to work out all the details as to size and mass, number of parking spaces and where all the landscaping is going to go.

**Mike Bromberg**

**Chairman:**

You are giving us a presentation of an apartment building. They are

going to be individually owned. This tells me they are going to be condominiums which comes under a different parking requirement.

**Dennis Downes**

**Attorney:** No it doesn't. That issue has been discussed by the Building Inspector and the Village attorney.

This does not fall under the multi-family code. otherwise I would have petitioned the board for an off street parking variance. That issue was addressed when the application was filed.

**Lisa Kombrink**

**Village Attorney:** I think the building inspector did spend a lot of time reviewing that issue and I think he also looked at some history of some other properties in the Village and he also conferred with some state officials on the classifications of various types of units. And he did reach the determination that the parking requirements would be one per unit.

I recommend that the board look at the report from Rich Warren before the next meeting. Then you can consider whether this use would be more beneficial than the existing non-conforming use. If there are any planning issues you want to address in terms of the conditions, if you would approve this change or if there are specific things you want the planning board to consider. I think some changes were made as a result of that initial report.

**Anton Hagen** Can we discuss the virtues of approving change of use and letting the planning board handle this **Member:** and then reviewing it after in case they need variances.

**Mike Bromberg** What is being proposed is that we give this our blessing and then let the planning board do what **Chairman:** ever they feel what they want to do. The question is how involved we want to be with this. I know there has been a problem with Roccos and if this was a single family home, I would have no problem with this and I would say this is beneficial. But 20 units, I am not so sure where the balance falls.

We have to decide if this is a better use of the property than what is there now. That is the decision we have to make.

**Lisa Kombrink**

**Village Attorney:** That is the first step in the process. Suggestions is that you look at the environmental consultants' report. In terms of size, setbacks etc. and then go back to the drawings and look at the issues and think about how involved you want to be in terms of managing and imposing conditions on the project. The main focus of this board is will this proposed use be more beneficial to the neighborhood and what conditions do you want to attach to the project. When you make that determination it will go to the Planning Board for site plan review. This is one of the unique powers you have as the Zoning Board of Appeals. You can



grant permission to change from one non-conforming use to another non-forming use.

Dennis Downes recommended that this board work with the Planning Board.

Anton Hagen stated that he does not want the use to go back to what it was.

Dennis Downes stated that the use right now will remain until such time permits are issued and then there will be a closing and the use will change because the new owner will be committed to doing this project.

**Mike Bromberg** I don't feel comtable making rushed decisions. I am not so sure, at least at this point, that I **Chairman:** understand the destinctions you are trying to make between a co -op and a condo.

**Lisa Kombrink**

**Village Attorney:** The approach the building inspector took, he has to define what he considers to be the closest use to what is being proposed. What ever parking would be applicable to that particular use. In our code the section to deal to with is multi-family dwelling is nothing like this and I think the bottom line is this is a unique form of ownership and our code doesn't really address it exactly and the building inspector looking for, what in his opinion is the closest thing to it.

**Dennis Downes**

**Attorney:** One of the discussions that took place with the village after they became aware of the fact that this application was going to be made is would this applicant be willing to participate in creating a boardwalk along west Water Street. They have committed to that. The LWRP calls for a walkway along West Water Street. The village has talked about it by perhaps doing it by way of a board walk or by widening the road in that area. They haven't figured out exactly what they are going to do. It has been in the LWRP since 1985. A public walkway so that you can bring the public along the street but not be walking in the street. The other proposal was to bring the traffic that is parked along west Water Street on the beach side to bring it in front of the condominium, where you do not have parking now, .which is kind of haphazard. Some of it is on the subject premises. Part of it is out in the road. Parking would be brought across the street and redesigned West Water Street parking area to create additional parking. We don't need Garden Street. If that was eliminated and that is one of the proposal the village is going to be looking at. They don't need that section of Garden Street that runs between Long Island Avenue and West Water Street. It is 20-30 feet long. The Village could make use of that whole area for parking and green space as opposed to what it has now. That is the trustees' responsibility and I guess with the Planning Board they are looking into all that.

Also the applicant has made a request to the village that we eliminate the asphalt walkway - not eliminate the walkway but improve upon it. We do not need an asphalt sidewalk in the Village of

Sag Harbor, and that is what we have. They are willing to do some other type of material on the ground. It improves their project and it improves the rest of Long Island Avenue. Those are parts of this whole project. It has been evolving for the last several months.

**Anton Hagen** Is there a difference in the size of a co-op or a condo?  
**Member:**

**Dennis Downes**

**Attorney:** I don't think it is the size of the unit. It could be. It really is the fact that - on a pure condominium like the Sag Harbor Villas, you get a deed to the land that sits beneath you unit. On this type, Rowe Apartments is another one, it started out as apartments and then they condo it afterwards. The association owns the land and each individual owns their unit.

The proposed size of these apartments are 1500 to 1800 sq. ft. It is a 2 or 3 bedrooms. There is going to be a mix.

There will be several 1 bedroom units. They haven't laid out the complete floor plan. They have a concept. It is premature to get into actual drawings until you know the use is going to be approved.

**Anton Hagen** One of the critical things that always comes up is the parking. Can we really look at that properly  
**Member:** or is it the Planning Board that would have more interest in that.

**Mike Bromberg** I think first we have to figure out what this is and what the code calls for. And then figure out  
**Chairman:** whether this change in the use is beneficial to the community based on how they plan to use our law.

**Benedetta Deubel** Just to clarify. Our purpose is to say is this a better use than the previous use. Is that what we  
**Member:** are talking about Lisa? That is what we have to decide first. Then we go into other.....

**Lisa Kombrink** Right.  
**Village Attorney:**

**Mike Bromberg** I am not so sure. To me, the counsel tells us it is premature to get an actual plans, to me that is  
**Chairman:** how the place is going to be used and that is what we are being asked to vote on.

**Dennis Downes**

**Attorney:** Do you really care if someone's kitchen is 250 sq ft. as opposed to 380 sq. ft.? That is not something this board or the planning board would get involved in. The issue at the Planning Board level you got 20 units they are all 1800 sq. ft. or thereabouts, what is the size and mass of the building. Things of that nature. You do not get involved in the interior of the

structure.

**Kathy Radziewicz** But the size of the unit invokes how many cars would be getting parked for that unit. When you **Member:** are talking a 3 bedroom unit right away I am not thinking of a bunch of people piling into a single car to come out here for the week end. I am thinking of multiple vehicles.

**Dennis Downes**

**Attorney::** We have provided 10 addition spaces.

**Kathy Radziewicz:** What I am saying, is the more information we have, the more we can form a conclusion as to **Member:** whether we think it is a beneficial change.

**Dennis Downes**

**Attorney:** I am not going to do a set of construction drawings not knowing if the use is going to be permitted. That is just a waste of money.

**Kathy Radziewicz** Right.

**Member:**

**Mike Bromberg**

**Chairman:** I don't know if the use is going to be permitted until is see what I am being asked to approve.

Lis Kombrink, attorney, suggested what might be helpful to the board is on a survey size the surveyor shade the area of the proposed foot print over the existing. She thought it would be smaller and easier to look at and understand. She thought it would be easier for the board to look at and understand.

Dennis Downes, attorney, stated that it has already been done. It is on the site plan. As well as the existing building is shaded. It was done exactly the way Rich Warren, consultant, had asked for it. The old building is shaded on top of the new building. Mr. Downes explained the new building has been brought back further from the street so that a portion of the existing building is landward of the water street side and what was open parking in the back now as part of the building.

Mr. Downes showed the board a collage of 3 photographs showing the subject premies, Barons Cove and The Sag Harbor Inn.

**Anton Hagon** Not withstanding the impact and the importance of this project has to the Village and certainly after **Member:** going thru the litigation with the present owners, I

would be confident that the Planning Board would do the proper review and I would be inclined to approve a change of use. I don't want to go back to the old use. The planning Board is there to do this kind of work. Before this meeting is over I will probably be putting forth a motion for a change of use.

Lis Kombrink recommended that the board read Rich Warrens report and look at the new plans

Allan Nathan , from the audience, asked about the classification of the project - being condo, co-op, apartment - the parking granted varies. It is not based square footage or room it is based on classification.

Mr. Mitchell Berken, from Bay Point, stated that he lives directly across from the subject property and has been subjected to the noise coming from it. He and his neighbors feel it would be an improvement to have the property developed into a condo/condominium.

Anton Hagen made a motion to approve the change of use and refer it to the Planning Board.  
Motion was seconded by                      Benedetta Deubel.

Mike Bromberg stated that he would prefer that this was done in a more organized manor. He has some questions as to what it is the board is being asked to approve . He would be opposed to approving this just because it is the proper thing to do.

Anton Hagen - aye  
Benedetta Duebel - aye  
Mike Bromberg - nay  
Kathy Radziewicz - nay

Dennis Downes asked the board what additional information the board wanted besides looking at Rich Warren's report. All the questions that Rich raised have been answered.

Mr. Bromberg stated that he would like to see a set of plans so he could see what the use is going to be so he can make an intelligent determination. He would like to see the interior lay out and elevations.

Dennis Downes stated that this is an apartment building modeled after the VB zone, where apartment buildings are a permitted use subject to permit.

Lis Kombrink stated that in terms of the use itself rather have them do all the plans, would it be helpful to have the number of bedrooms that would be proposed or something like that. She said that to do plans at this time, the Planning Board might request changes.

Mr. Hagen thought it was premature to ask for plans.

Mr. Bromberg stated that they don't have to do it, but it is up to them to convince each one of the board members.

Benedetta Dubel asked that what Mr. Downes wants the board to do is approve the change of the use. The board is not approving 20 apartments. The rest is the Planning Board.

Mr. Downes stated that the board would not be approving 20 apartments, 20 cars, size or mass. He wants to answer all the boards questions so that the board is satisfied so when you take a vote you will not make a mistake.

Lis Kombrink also stated that when this goes to Planning Board for site plan, they can send it back to this board for more input. She explained to the board that the board could approve the change of use with conditions of 19 instead of 20 units for an example. There could also be recommendations to the Planning Board.

Ms. Kombrink also stated that the prior vote could be considered a straw vote

**Dennis Downes**

**Attorney:** To keep the record straight. We are keeping this application open.

A motion was made by Anton Hagen, seconded by Kathy Radizewicz to adjourn the meeting. all in favor, motion so carried.

Time noted: 7:50 PM

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Brenda Ploeger, Acting Secretary